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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/719,112	02/20/2001	Yoshihito Ishibashi	285738US6PCT	4693
22850 7590 10/18/2007 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER ELISCA, PIERRE E	
			ART UNIT 3621	PAPER NUMBER
			NOTIFICATION DATE 10/18/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

09/719,112

Applicant(s)

ISHIBASHI ET AL.

Examiner

Pierre E. Elisca

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to Applicant's RCE filed on 09/10/2007.
2. Claims 10-17 are currently pending.

Claim Rejections – 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ginter et al (U.S PG Pub No. 2005/017716) in view of Nishikawa et al (U.S. Patent No. 5,408,607).

As per claims 10 and 14, Ginter et al an information processing apparatus, comprising first storage means for storing reference information including user information and characteristic information of the information processing apparatus

reception means for receiving first information encrypted with a first key and second information containing one or more usage conditions of the first information and one or more usage details for the usage conditions (*see paragraphs 0239*),

usage detail selection means for selecting usage details of the second information received by the reception means based on the usage conditions of the second information and the reference information stored in the first storage means (see *paragraphs 0117*),

second storage means for storing usage history of using the first information according to the usage details selected by the usage detail selection means (see *paragraphs 0144*),

usage control information generation means for generating usage control information for the first information based on the usage details selected by usage detail selection means and the usage history stored by the second storage means (see *paragraphs 0210*), and

control means for controlling the first information according to the usage control information generated by the usage control information generation means (see *paragraphs 0406*) see also *paragraphs 0418, 1195, 1834, 1922, 1927, 1930, 2118, 2276, 2293, 2301*). *Ginter further teaches a usage information regarding, and bill for the use of, electronic information (see., Ginter, paragraph [0016]).*

Ginter et al fail to explicitly teach an invention wherein the set of information of the usage detail are decided by the usage condition including user condition and equipment condition that determines the information received by the user. However, Nishikawa et al teach an invention wherein the set of information of the usage detail are decided by the usage condition including user condition and equipment condition that determines the information received by the user (see *fig 40, col. 9 line 19-46, 21 lines*

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14-22 line 44). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ginter et al's system to include Nishikawa et al's an invention wherein the set of information of the usage detail are decided by the usage condition including user condition and equipment condition because this would have provide better management control of the equipment.

As per claims 11, Ginter et al an information processing apparatus wherein the control means decrypts the first information encrypted with the first key with a second key which is distributed from a key distribution center and having an expiration date after which the second key cannot be used (*see paragraphs 0285*).

As per claims 12 and 16, Ginter et al an information processing apparatus wherein the usage detail selected by the usage detail selection means also includes control transfer status information which shows whether or not the first information can be transferred to other apparatuses (*see paragraphs 0406*).

As per claims 13 and 17, Ginter et al an information processing apparatus wherein the usage history stored by the second storage means also includes usage type information of when the first information is used (*see paragraphs 0406*).

As per claims 15, Ginter et al an information processing apparatus wherein the first key for encrypting the first information is encrypted with a second key which is distributed

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from a key distribution center and having an expiration date after which the second key cannot be used (*see paragraphs 0406*).

RESPONSE TO ARGUMENTS

5. Applicant's arguments with respect to claims 10-17 have been fully considered but they are not persuasive.

REMARKS

6. In regard to Applicant's arguments filed on 09/10/2007, as stated above, it is the Examiner believes that Nishikawa et al teach Applicant's newly added limitation wherein said the set of information of the usage detail are decided by the usage condition including user condition and equipment condition that determines the information received by the user (*see, Nishikawa, fig 40, col. 9 line 19-46, 21 lines 14-22 line 44*).

Conclusion


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 571 272 6706. The examiner can normally be reached on 6:30 to 5:00. Patents and hoteling.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on 571 272 6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

October 11, 2007


PIERRE EDDY ELISCA
PRIMA EXAMINER
TECHNOLOGY CENTER 3600